

901:10-3-06

SWINE, POULTRY, AND VEAL CALVES~~Standards of performance for new sources.~~

THIS RULE APPLIES TO OPERATIONS DEFINED AS CONCENTRATED ANIMAL FEEDING FACILITIES AND INCLUDES THE FOLLOWING ANIMALS: SWINE; CHICKENS; TURKEYS; AND VEAL CALVES. THIS RULE DOES NOT APPLY TO SUCH FACILITIES WITH LESS THAN THE FOLLOWING CAPACITIES: TWO THOUSAND FIVE HUNDRED SWINE EACH WEIGHING FIFTY-FIVE POUNDS OR MORE; TEN THOUSAND SWINE EACH WEIGHING LESS THAN FIFTY-FIVE; THIRTY THOUSAND LAYING HENS OR BROILERS IF THE FACILITY USES A LIQUID MANURE HANDLING SYSTEM; ONE HUNDRED TWENTY FIVE THOUSAND CHICKENS OTHER THAN LAYING HENS IF THE FACILITY USES OTHER THAN A LIQUID MANURE HANDLING SYSTEM; EIGHTY-TWO THOUSAND LAYING HENS IF THE FACILITY USES OTHER THAN A LIQUID MANURE HANDLING SYSTEM; FIFTY-FIVE THOUSAND TURKEYS; AND ONE THOUSAND VEAL CALVES.

- (A) EFFLUENT LIMITATIONS ATTAINABLE BY THE APPLICATION OF THE BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE (BPT). EXCEPT AS PROVIDED IN 40 CFR 125.30 THROUGH 40 CFR 125.32, ANY EXISTING POINT SOURCE SUBJECT TO THIS SUBPART MUST ACHIEVE THE FOLLOWING EFFLUENT LIMITATIONS REPRESENTING THE APPLICATION OF BPT;~~Subject to the provisions of paragraph (B) of this rule, the following standards of performance establish the quantity or quality of effluent that may be discharged by a new concentrated animal feeding facility subject to the provisions of these rules: There shall be no discharge of process wastewater to waters of the state.~~

(1) FOR FACILITY PRODUCTION AREAS.

- (a) THE FACILITY SHALL ATTAIN THE SAME LIMITATIONS AND REQUIREMENTS AS IN RULE 901:10-2-08 OF THE ADMINISTRATIVE CODE AND RECORD KEEPING AS REQUIRED BY RULE 901:10-2-16 OF THE ADMINISTRATIVE CODE.

- (b) THE FACILITY SHALL ATTAIN THE LIMITATIONS AND REQUIREMENTS OF THIS PARAGRAPH AS OF THE DATE OF PERMIT COVERAGE.

(2) FOR FACILITY LAND APPLICATION AREAS.

- (a) THE FACILITY SHALL ATTAIN THE SAME LIMITATIONS AND REQUIREMENTS LISTED FOR THE MANURE MANAGEMENT PLAN IN RULE 901:10-2-07 OF THE ADMINISTRATIVE CODE AND RECORD KEEPING REQUIREMENTS IN RULE 901:10-2-16 OF THE ADMINISTRATIVE CODE.

(b) THE FACILITY SHALL ATTAIN THE LIMITATIONS AND REQUIREMENTS OF THIS PARAGRAPH BY DECEMBER 31, 2006.

(B) EFFLUENT LIMITATIONS ATTAINABLE BY THE APPLICATION OF THE BEST CONVENTIONAL POLLUTANT CONTROL TECHNOLOGY (BCT).~~Process wastewater in the overflow may be discharged to waters of the state whenever precipitation events, either chronic or catastrophic, cause an overflow of process wastewater from a concentrated animal feeding operation designed, constructed and operated to contain all process generated waste waters plus the runoff from a twenty five year, twenty four hour precipitation event for the location of the point source.~~

(1) EXCEPT AS PROVIDED IN 40 CFR 125.30 THROUGH 40 CFR 125.32, ANY EXISTING POINT SOURCE SUBJECT TO THIS SUBPART MUST ACHIEVE THE FOLLOWING EFFLUENT LIMITATIONS REPRESENTING THE APPLICATION OF BCT:

(a) FOR FACILITY PRODUCTION AREAS: THE FACILITY SHALL ATTAIN THE SAME LIMITATIONS AND REQUIREMENTS IN RULE 901:10-2-08 OF THE ADMINISTRATIVE CODE AND THE RECORDKEEPING REQUIREMENTS OF RULE 901:10-2-16 OF THE ADMINISTRATIVE CODE.

(b) THE FACILITY SHALL ATTAIN THE LIMITATIONS AND REQUIREMENTS OF THIS PARAGRAPH AS OF THE DATE OF PERMIT COVERAGE.

(C) EFFLUENT LIMITATIONS ATTAINABLE BY THE APPLICATION OF THE BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE (BAT).

(1) EXCEPT AS PROVIDED IN 40 CFR 125.30 THROUGH 40 CFR 125.32, ANY EXISTING POINT SOURCE SUBJECT TO THIS SUBPART MUST ACHIEVE THE FOLLOWING EFFLUENT LIMITATIONS REPRESENTING THE APPLICATION OF BAT:

(a) FOR FACILITY PRODUCTION AREAS: THE CONCENTRATED ANIMAL FEEDING OPERATION SHALL ATTAIN THE SAME LIMITATIONS AND REQUIREMENTS IN RULE 901:10-2-08 OF THE ADMINISTRATIVE CODE AND THE RECORDKEEPING REQUIREMENTS OF RULE 901:10-2-16 OF THE ADMINISTRATIVE CODE.

(b) FOR FACILITY LAND APPLICATION AREAS: THE CONCENTRATED ANIMAL FEEDING OPERATION SHALL

ATTAIN THE SAME LIMITATIONS AND REQUIREMENTS LISTED IN RULE 910:10-2-07 OF THE ADMINISTRATIVE CODE FOR THE MANURE MANAGEMENT PLAN AND THE RECORDKEEPING REQUIREMENTS IN RULE 901:10-2-16 OF THE ADMINISTRATIVE CODE.

(c) THE FACILITY SHALL ATTAIN THE LIMITATIONS AND REQUIREMENTS OF THIS PARAGRAPH AS OF THE DATE OF PERMIT COVERAGE.

(D) NEW SOURCE PERFORMANCE STANDARDS (NSPS).

(1) ANY NEW SOURCE SUBJECT TO THIS RULE MUST ACHIEVE THE FOLLOWING EFFLUENT LIMITATIONS REPRESENTING THE APPLICATIONS OF NSPS.

(a) FOR PRODUCTION AREAS. THERE MUST BE NO DISCHARGE OF MANURE INTO WATERS OF THE STATE FROM THE PRODUCTION AREA, SUBJECT TO PARAGRAPHS (D)(1)(a)(i) THROUGH (D)(1)(a)(iii) OF THIS RULE.

(i) MANURE STORAGE AND TREATMENT FACILITIES DESIGNED, CONSTRUCTED, OPERATED, AND MAINTAINED TO CONTAIN ALL MANURE INCLUDING THE RUNOFF AND THE DIRECT PRECIPITATION FROM A ONE-HUNDREYEAR, TWENTY-FOURHOUR RAINFALL EVENT AND OPERATED IN ACCORDANCE WITH THE MANURE MANAGEMENT PLAN AND RECORDS REQUIRED BY RULES 901:10-02-07 AND 901:10-2-16 OF THE ADMINISTRATIVE CODE, WILL FULFILL THE REQUIREMENTS OF PARAGRAPH (D) OF THIS RULE.

(ii) THE PRODUCTION AREA MUST BE OPERATED IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 901:10-2-08 AND 901:10-2-16 OF THE ADMINISTRATIVE CODE.

(iii) PROVISIONS FOR UPSET/BYPASS, AS PROVIDED IN PARAGRAPHS (T) AND (U) OF RULE 901:10-3-10 OF THE ADMINISTRATIVE CODE APPLY TO A NEW SOURCE SUBJECT TO PARAGRAPH (D) OF THIS RULE.

(b) FOR FACILITY LAND APPLICATION AREAS: THE FACILITY SHALL COMPLY WITH THE REQUIREMENTS LISTED FOR THE MANURE MANAGEMENT PLAN REQUIRED BY RULE 901:10-2-07 OF THE ADMINISTRATIVE CODE AND THE RECORDKEEPING REQUIREMENTS OF RULE 901:10-2-16 OF

THE ADMINISTRATIVE CODE.

- (c) THE FACILITY SHALL ATTAIN THE LIMITATIONS AND REQUIREMENTS OF THIS PARAGRAPH AS OF THE DATE OF PERMIT COVERAGE.
- (d) VOLUNTARY SUPERIOR ENVIRONMENTAL PERFORMANCE STANDARDS. ANY NEW SOURCE CONCENTRATED ANIMAL FEEDING FACILITY SUBJECT TO THIS RULE MAY REQUEST THE DIRECTOR TO ESTABLISH ALTERNATIVE NPDES PERMIT LIMITATIONS BASED UPON A DEMONSTRATION THAT SITE-SPECIFIC INNOVATIVE TECHNOLOGIES WILL ACHIEVE OVERALL ENVIRONMENTAL PERFORMANCE ACROSS ALL MEDIA WHICH IS EQUAL TO OR SUPERIOR TO THE REDUCTIONS ACHIEVED BY BASELINE STANDARDS AS PROVIDED BY PARAGRAPH (D)(1)(a) OF THIS RULE. THE QUANTITY OF POLLUTANTS DISCHARGED FROM THE PRODUCTION AREA MUST BE ACCOMPANIED BY AN EQUIVALENT OR GREATER REDUCTION IN THE QUANTITY OF POLLUTANTS RELEASED TO OTHER MEDIA FROM THE PRODUCTION AREA (E.G., AIR EMISSIONS FROM HOUSING AND STORAGE) AND/OR LAND APPLICATION AREAS FOR ALL MANURE AT ON-SITE AND OFF-SITE LOCATIONS. THE COMPARISON OF QUANTITY OF POLLUTANTS MUST BE MADE ON A MASS BASIS WHERE APPROPRIATE. THE DIRECTOR HAS THE DISCRETION TO REQUEST SUPPORTING INFORMATION TO SUPPLEMENT SUCH A REQUEST.
- (e) ANY SOURCE SUBJECT TO THIS RULE THAT COMMENCED DISCHARGING AFTER APRIL 14, 1993 AND PRIOR TO APRIL 14, 2003 WHICH WAS A NEW SOURCE SUBJECT TO THE STANDARDS SPECIFIED IN 40 CFR 412.15, REVISED AS OF JULY 1, 2002 MUST CONTINUE TO ACHIEVE THOSE STANDARDS FOR THE APPLICABLE TIME PERIOD SPECIFIED IN 40 CFR 122.29(d)(1). THEREAFTER, THE SOURCE MUST ACHIEVE THE STANDARDS SPECIFIED IN PARAGRAPH (A)(1) AND (A)(2) OF THIS RULE.

Effective:

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Certification

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Date

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